

1 STEVEN G. KALAR  
Federal Public Defender  
2 GRAHAM ARCHER  
Assistant Federal Public Defender  
3 55 S. Market Street, Suite 820  
San Jose, CA 95113  
4 Telephone: (408) 291-7753  
Graham\_Archer@fd.org  
5  
Counsel for Defendant, DOUGLAS STORMS YORK  
6  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
11

12 UNITED STATES OF AMERICA,	)	No. CR 15-00226 EJD
	)	
13 Plaintiff,	)	<b>DEFENDANT YORK'S PROPOSED</b>
	)	<b>NEUTRAL STATEMENT</b>
14	)	
vs.	)	
15	)	
	)	
16 DOUGLAS STORMS YORK,	)	
	)	
17 Defendant.	)	Trial Date: August 25, 2015
18 _____	)	<b>Honorable Edward J. Davila</b>
19		

20 Defendant Douglas Storms York, by and through Assistant Federal Public Defender Graham  
21 Archer, submits this proposed neutral statement for the Court's consideration in advance of the trial  
22 set for August 25, 2015.

23 ///

24 ///

25 ///

26 ///

**NEUTRAL STATEMENT**

This is a felony criminal case brought by the United States government. The government charges Mr. Douglas York with (1) False Impersonation of an Employee of the United States in violation of 18 United States Code § 912; and (2) Telecommunications Device Harassment, a violation of 47 United States Code § 223(a)(1)(C).

For count one, the government alleges that on or about February 23, 2012, in the Northern District of California, Mr. York falsely assumed and pretended to be an officer acting under the authority of, as an agent of the Internal Revenue Service, and in such assumed and pretended character did act as such, that he falsely stated that he was an IRS agent investigating tax records.

For count two, the government alleges that on or about February 23, 2012, in the Northern District of California, Mr. York, without disclosing his identity and with the intent to abuse, threaten and harass a specific person, did make a telephone call and use a telecommunications device in interstate and foreign communications, in that he left a voice mail message for Allan Hessenflow stating that he was an IRS Agent named Judy Smith.

These two charges are simply allegations made by the government against the Mr. York; they are not evidence of anything.

Mr. York has pleaded not guilty to both charges and is presumed innocent unless and until proved guilty beyond a reasonable doubt. A defendant has the right to remain silent and never has to prove his innocence or present any evidence. The government always carries the burden of proof beyond a reasonable doubt.

\\

\\

\\

\\

\\

1 At the end of the evidence I will instruct you on the law and the elements of each charge.  
2 It will be up to each of you to decide if the government has proven the charges to beyond a  
3 reasonable doubt. You should not make any judgments or decisions on Mr. York's innocence or  
4 guilt until you have heard all of the evidence and I have instructed you on the law.

5  
6 Dated: August 24, 2015

Respectfully Submitted,

7 /s/  
8 GRAHAM ARCHER  
Assistant Federal Public Defender  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26